

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. JOHNSON,

No. C 15-2207 WHA (PR)

Plaintiff,

**ORDER GRANTING EXTENSION  
OF TIME; DENYING MOTION FOR  
TRANSFER**

v.

EL CERRITO POLICE  
DEPARTMENT; CHI LEE; MARIO  
GUZMAN,

(Dkt. 10, 11)

Defendants.

This is a pro se civil rights case filed by a California prisoner. It was originally assigned to United States Magistrate Judge Paul Grewal. On September 7, 2015, and based on plaintiff's consent to his jurisdiction, Judge Grewal found that the complaint stated cognizable claims against defendants Chi Lee and Mario Guzman at the El Cerrito Police Department (dkt. 6). The claims against the El Cerrito Police Department were dismissed, but plaintiff was given 30 days to file an amended complaint to cure the deficiencies in those claims (*ibid.*). Lee and Guzman returned service waivers, and declined Judge Grewal's jurisdiction. The case was then reassigned to the undersigned.

Defendants have filed a motion to transfer this case from the San Jose Division to the San Francisco Division. This request is **DENIED** as moot because the reassignment of the case has already caused the case to be located in the San Francisco Division.

Plaintiff has filed a motion for an extension of time. Although he does not indicate what deadline he wants extended, it is assumed he means the deadline for amending his complaint

1 because that is only deadline he has been given. Good cause appearing, he may have until  
2 **November 25, 2015** to file an amended complaint to state a cognizable claim against the El  
3 Cerrito Police Department. If he does file an amended complaint, he **must** follow these  
4 instructions or the amended complaint will not be considered:


5 The amended complaint must include the caption used in this order and the civil case  
6 number C 15-2207 WHA (PR) and the words FIRST AMENDED COMPLAINT on the first  
7 page. Because an amended complaint completely replaces the original complaint, plaintiff must  
8 include in it all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262  
9 (9th Cir. 1992). He may not incorporate material from the original complaint by reference.

10 Failure to amend within the designated time and in accordance with this order will result in the  
11 dismissal of the claims against the El Cerrito Police Department.

12 In light of this time extension, the deadline for defendants to file a dispositive motion or  
13 indicate that such a motion is not warranted, is extended to **December 17, 2015**. All provisions  
14 of the order of service (dkt. 6) remain in effect to the extent they are not modified herein.

15 **IT IS SO ORDERED.**

16 Dated: October 26, 2015.

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18 WILLIAM ALSUP  
19 UNITED STATES DISTRICT JUDGE  
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